

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DENISE BROWN,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
STATE OF NEW JERSEY, RICK	:	Docket No. –
FUENTES COLONEL both in his	:	
individual and official capacity as	:	
Superintendent of New Jersey State Police,	:	
JOHN STREET DETECTIVE (NJSP) both	:	
in his individual and official capacity as	:	
New Jersey Police Detective, CHRISTIAN	:	
ESKRIDGE TROOPER (NJSP) both in his	:	
individual and official capacity as New	:	
Jersey State Trooper, CITY OF	:	
VINELAND, TIMOTHY CODISPOTI both	:	
in his individual and official capacity as	:	
Vineland Chief of Police, JOSEPH	:	
VALENTINE both in his individual and	:	
official capacity as Vineland Police	:	
Sergeant, DAVID HENDERSSCOTT both	:	
in his individual and official capacity as	:	
Vineland Police Officer, OFFICER SMITH	:	
both in his individual and official capacity	:	
as Vineland Police Officer, JOHN/JANE	:	
DOES 1-20 both in their individual and	:	
official capacities	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

To the Judges of the United States District Court for the District of New Jersey:

The Notice of Removal on behalf of defendants, City of Vineland, Timothy Codispoti, individually and in his official capacity as Vineland Chief of Police, Joseph Valentine, individually and in his official capacity as Vineland Police Sergeant, David Henderscott, individually and in his official capacity as Vineland Police Officer, and Officer Smith,

individually and in his official capacity as Vineland Police Officer (“City of Vineland Defendants”), respectfully alleges the following:

1. On or about July 10, 2009, Plaintiff commenced an action in the Superior Court of New Jersey, Cumberland County, Law Division captioned Denise Brown v. State of New Jersey, Rick Fuentes, Colonel, both in his individual and official capacity as Superintendent of New Jersey State Police, John Street, Detective (NJSP), both in his individual and official capacity as New Jersey State Police Detective, Christian Eskridge Trooper, (NJSP) both in his individual and official capacity as New Jersey State Trooper, City of Vineland, Timothy Codispoti, both in his individual and official capacity as Vineland Chief of Police, Joseph Valentine, both in his individual and official capacity as Vineland Police Sergeant, David Henderscott, both in his individual and official capacity as Vineland Police Officer, and Officer Smith, both in his individual and official capacity as Vineland Police Officer, and John/Jane Does 1-20 both in their individual and official capacities, Docket No. L674-09, alleging a claim against the Defendants for personal injuries arising from an alleged use of excessive force. A copy of Plaintiff's Complaint filed on or about July 10, 2009, is attached hereto as Exhibit “A.”

2. Service of process was received by City of Vineland Defendants on July 28, 2009. A true and correct copy of the Notification of Service is attached hereto as Exhibit “B.” A stipulation for extension of time to file a responsive pleading was provided.

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. 28 U.S.C. § 1331 provides: “Federal question. The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

5. Count One of Plaintiff's Complaint alleges violations by City of Vineland Defendants of Plaintiff's federal civil rights under 42 U.S.C. § 1983, thus Plaintiff has brought an action under a law of the United States.

6. In light of the foregoing, federal jurisdiction has been established pursuant to 28 U.S.C. § 1331, satisfying the requirement that the action arise under a “the Constitution, laws or treaties of the United States.”

7. Written notice of the filing of the within Notice of Removal has been served on Plaintiff’s counsel, and a copy of this Notice of Removal has been forwarded by mail to the Superior Court of New Jersey, Cumberland County, Law Division.

WHEREFORE, Defendants, City of Vineland, Timothy Codispoti, individually and in his official capacity as Vineland Chief of Police, Joseph Valentine, individually and in his official capacity as Vineland Police Sergeant, David Henderscott, individually and in his official capacity as Vineland Police Officer, and Officer Smith, individually and in his official capacity as Vineland Police Officer, respectfully request that the matter be removed from the Superior Court of New Jersey, Cumberland County, Law Division, to this Honorable Court.

Dated: October 16, 2009

Respectfully submitted,

LAMB McERLANE PC

By: /s/ Brian H. Leinhauser
Brian H. Leinhauser, Esquire
N.J. Attorney I.D. No. 038102006
24 E. Market Street – P.O. Box 565
West Chester, PA 19381-0565
(610) 430-8000
bleinhauser@chescolaw.com

*Attorneys for Defendants
City of Vineland, Timothy Codispoti,
individually and in his official capacity as
Vineland Chief of Police, Joseph Valentine,
individually and in his official capacity as
Vineland Police Sergeant, David
Henderscott, individually and in his official
capacity as Vineland Police Officer, and
Officer Smith, individually and in his official
capacity as Vineland Police Officer*

CERTIFICATE OF SERVICE

This is to certify that in this case complete copies of all papers contained in the foregoing Notice of Removal have been served upon the following persons, by the following means and on the date(s) stated:

Name:	Means of Service:	Date of Service:
William Riback, Esquire William Riback LLC 132 N. Haddon Avenue Haddonfield, NJ 08033 (856) 857-0008 <i>Attorney for Plaintiff, Denise Brown</i>	First Class Mail	October 16, 2009
Christina M. Glogoff, Esquire Deputy Attorney General State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Law 25 Market Street P.O. Box 112 Trenton, NJ 08625-0112 (609) 633-3985 <i>Attorney for Defendants, State of New Jersey, Colonel Rick Fuentes, Detective John Street and Trooper Christian Eskridge</i>	First Class Mail	October 16, 2009
Superior Court of New Jersey Cumberland County Law Division 60 West Broad Bridgeton, NJ 08302 (856) 453-4330	First Class Mail	October 16, 2009

LAMB McERLANE PC

By: /s/ Brian H. Leinhauser
Brian H. Leinhauser, Esquire
N.J. Attorney I.D. No. 038102006
24 E. Market Street – P.O. Box 565
West Chester, PA 19381-0565
(610) 430-8000
bleinhauser@chescolaw.com

*Attorneys for Defendants,
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individually and in his official capacity as
Vineland Police Sergeant, David
Henderscott, individually and in his official
capacity as Vineland Police Officer, and
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capacity as Vineland Police Officer*

Dated: October 16, 2009